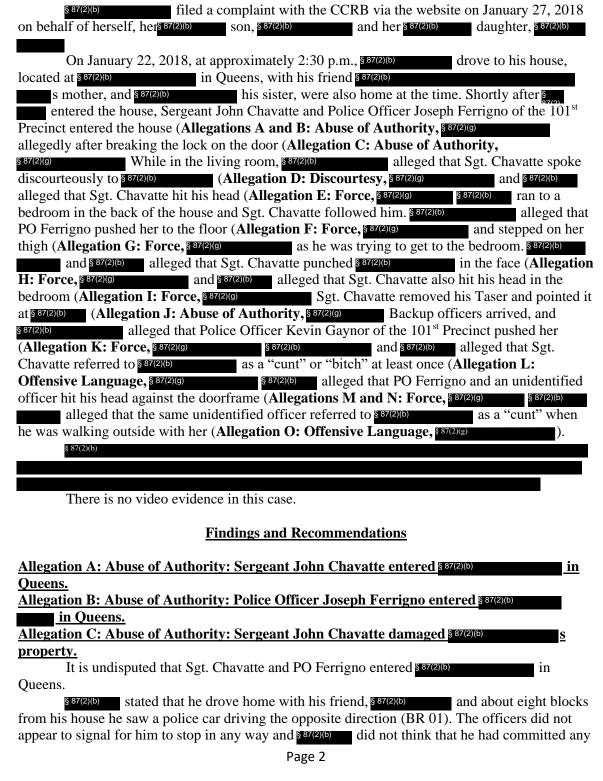
CCRB INVESTIGATIVE RECOMMENDATION

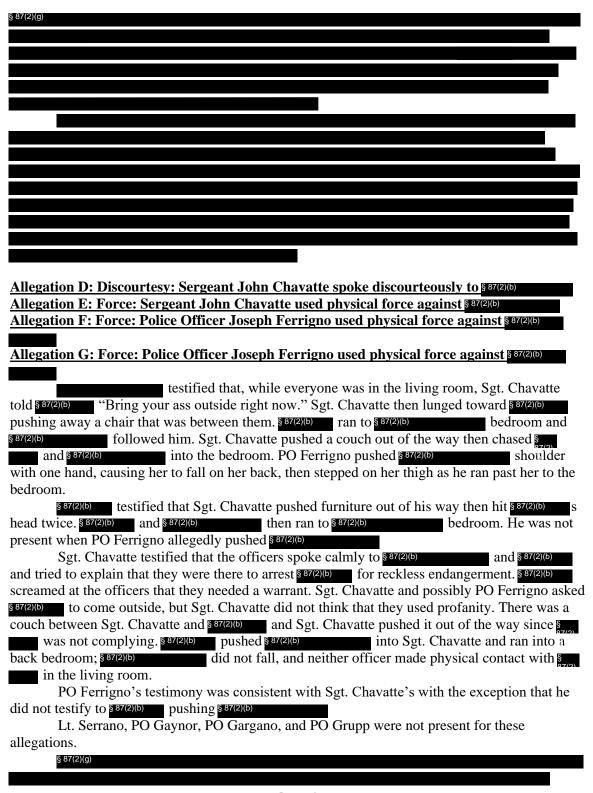
Investigator:		Team:	CCRB Case #:	▼ Fo	orce	$\overline{\mathbf{V}}$	Discourt.	U.S.
Gabriella Carpenter		Squad #5	201800736	☑ Al	buse	$\overline{\checkmark}$	O.L.	☐ Injury
Incident Date(s)		Location of Incident:		Pred	cinct:	18	Mo. SOL	EO SOL
Monday, 01/22/2018 2:30 PM		§ 87(2)(b)		1	01		22/2019	7/22/2019
Date/Time CV Reported		CV Reported At:	How CV Reporte	d: Da	ate/Time	Rece	ived at CC	I RB
Sat, 01/27/2018 2:41 PM		CCRB	On-line website		it, 01/27/	2018	2:41 PM	
Complainant/Victim	Туре	Home Addre	ess	'				
Witness(es)		Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. POM Joseph Ferrigno	15647	951729	101 PCT					
2. An officer			101 PCT					
3. POM Kevin Gaynor	01495	952769	101 PCT					
4. SGT John Chavatte	02997	934619	101 PCT					
Witness Officer(s)	Shield No	o Tax No	Cmd Name					
1. POM Christophe Gargano	16590	933650	101 PCT					
2. POM Bryan Grupp	02567	949065	101 PCT					
3. POM Franklyn Enoe	06652	941011	101 PCT					
4. POF Michelle Batsonseymour	11245	931488	101 PCT					
5. LT Carlos Serrano	00000	946236	101 PCT					
6. POM Edmond Decio	31394	915565	101 PCT					
7. POF Yvonne Barnes	21616	939900	101 PCT					
Officer(s)	Allegatio	n			Inve	stiga	tor Reco	nmendation
A.SGT John Chavatte	Abuse: Se	ergeant John Chavatte	entered					
	§ 87(2)(b)	in Quee	ns.					
B.POM Joseph Ferrigno	Abuse: Po	olice Officer Joseph Fe in Quee						
C.SGT John Chavatte	Abuse: Se property.	ergeant John Chavatte			s			
D.SGT John Chavatte		sy: Sergeant John Cha	vatte spoke discour	teously t	to			
E.SGT John Chavatte	Force: Se § 87(2)(b)	rgeant John Chavatte u	ised physical force	against				
F.POM Joseph Ferrigno	Force: Po against § 8	lice Officer Joseph Fer	rigno used physica	l force				
G.POM Joseph Ferrigno	Force: Po against § 8	lice Officer Joseph Fer	rigno used physica	1 force				

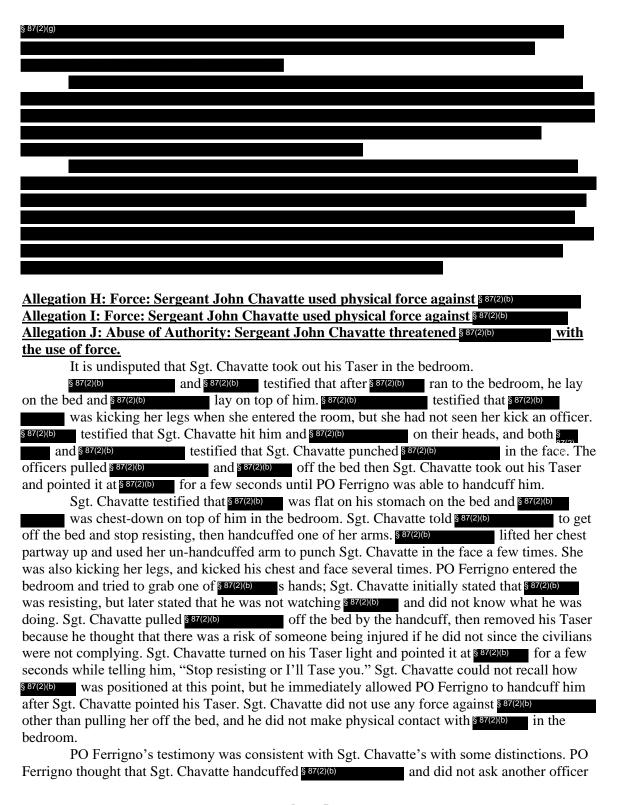
Officer(s)	Allegation	Investigator Recommendation
H.SGT John Chavatte	Force: Sergeant John Chavatte used physical force against § 87(2)(b)	
I.SGT John Chavatte	Force: Sergeant John Chavatte used physical force against § 87(2)(b)	
J.SGT John Chavatte	Abuse: Sergeant John Chavatte threatened § 87(2)(b) with the use of force.	
K.POM Kevin Gaynor	Force: Police Officer Kevin Gaynor used physical force against § 87(2)(b)	
L.SGT John Chavatte	Off. Language: Sergeant John Chavatte made remarks to based upon her gender.	
M.POM Joseph Ferrigno	Force: Police Officer Joseph Ferrigno hit §87(2)(b) against an inanimate object.	
N. An officer	Force: An officer hit §87(2)(b) against an inanimate object.	
O. An officer	Off. Language: An officer made remarks to \$87(2)(b) based upon her gender.	

Case Summary



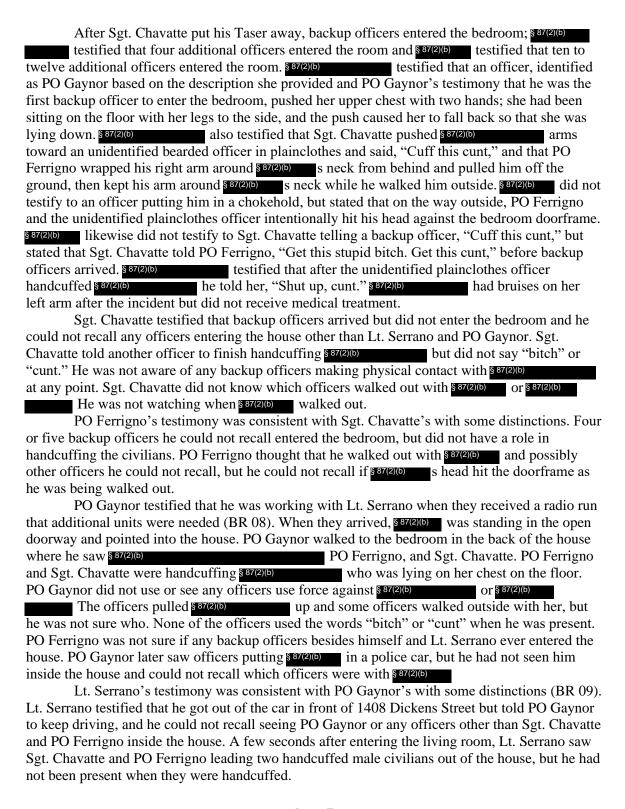
traffic infractions. \$87(2)(b) parked at his house and he and \$87(2)(b) started to walk inside when
he saw the officers he had passed stop in front of his house with their lights on and get out of their
car; \$87(2)(b) did not testify to the officers saying anything to them or doing anything indicating
that they should stop. \$87(2)(b) went into the house and locked the door.
Immediately after, the officers broke the door open, breaking the bottom lock, and Sgt. Chavatte
and PO Ferrigno walked into the house.
testified that she let \$87(2)(b) and his friend into the house and
locked the door behind them (BR 02 and BR 05). After three or four minutes there were three
loud bangs then the lock broke and the wood near the lock splintered, causing the door to open.
From outside the house, Sgt. Chavatte told 887(2)(b) to come outside and said that he knew the officers had been following him. Sgt. Chavatte and PO Ferrigno stepped inside without asking for
permission, and § 87(2)(b) told them that they did not have permission to enter.
Contact attempts to § 87(2)(b) were exhausted without obtaining a statement (BR
03).
The investigation could not contact \$87(2)(b) as \$87(2)(b) could not provide contact
information for her and no information was available through database searches (BR 04).
PO Ferrigno (BR 06) and Sgt. Chavatte (BR 07) testified that they were driving when
they observed \$87(2)(0) driving without a front license plate, and they saw that the rear license
plate was temporary. §87(2)(b) drove through the next stop sign without stopping at
approximately 50 to 60 miles per hour. PO Ferrigno pursued the car which drove through a
second stop sign and came within five feet of hitting children. PO Ferrigno testified that he lost
sight of the car for about five seconds when it turned, but he turned shortly after and saw the car
again parked in the driveway of §87(2)(b) ; Sgt. Chavatte testified that the officers
never lost sight of the car. The officers watched \$87(2)(b) and \$87(2)(b) exit the vehicle and run
into the house. §87(2)(b) could have been charged with reckless endangerment at that point. PO
Ferrigno testified that the officers knocked on the door of the house and \$87(2)(b)
opened it immediately, then the officers entered to arrest \$87(2)(b) Sgt. Chavatte testified that he
ran to the front door of the house and tried to turn the door knob in one motion but did not turn it
far enough, and his momentum caused his right shoulder to slam into the door; he did not think
the door was damaged from this, and he did not intentionally damage the door. PO Ferrigno also
testified that he did not think the door was damaged. Sgt. Chavatte testified that after running into the door, he tried the doorknob again and the door opened. The officers could see \$87(2)(5) inside
the house once the door was opened, and entered the house to arrest him.
Lt. Serrano, PO Gaynor, PO Gargano, and PO Grupp were not present for these
allegations.
provided a photo taken on the date of incident showing that the wood
of the front door of her house split apart (BR 12).
A suspect may not defeat a proper arrest which has been set in motion in a public place
by running into their home. Officers may enter a home in hot pursuit if there has been an
immediate or continuous pursuit of the defendant from the crime scene. People v. Hunter, 938
N.Y.S.2d 719, 721 (BR 15).
testified that he had not committed any traffic infractions while driving home
and the officers had not signaled for him to stop while he was driving, while the officers testified
that §87(2)(b) ran two stop signs and could have been arrested for reckless endangerment, and
that they tried to stop him for approximately half a mile. §87(2)(g)





to do so. At one point before sarce was handcuffed, he raised his arm as if to punch Sgt.
Chavatte, but PO Ferrigno grabbed his arm and placed §87(2)(b) in handcuffs.
Lt. Serrano, PO Gaynor, PO Gargano, and PO Grupp were not present for these
allegations.
provided a photo taken by \$87(2)(b) two days after the incident
that shows a bruise on §87(2)(b) right forearm (BR 13).
arrest photo taken shortly after the incident does not appear to show an
injury to her face (BR 14).
A Conducted Electrical Weapon (i.e. Taser) should only be used against persons who are
actively resisting, exhibiting active aggression, or to prevent individuals from physically injuring
themselves or others present. Patrol Guide Procedure 221-08 (BR 16).
$\S~87(2)(g)$
•
§ 87(2)(g)
Allegation K: Force: Police Officer Kevin Gaynor used physical force against §87(2)(b)
Anegation K. Porce. Ponce Officer Kevin Gaynor used physical force against source
Allered of Comment of the Character of t
Allegation L: Offensive Language: Sergeant John Chavatte made remarks to \$87(2)(b)
based upon her gender.
Allegation M: Force: Police Officer Joseph Ferrigno hit ser/(2)(b) against an
inanimate object.
Allegation N: Force: An officer hit \$87(2)(b) against an inanimate object.
Allegation O: Offensive Language: An officer made remarks to \$67(2)(6) based upon
her gender.

Page 6



PO Gargano (BR 10) and PO Grupp (BR 11) testified that they did not enter the house at any point and were not present for these allegations.

As §87(2)(b) did not testify to PO Ferrigno or another officer putting him in a chokehold,

the allegation has not been pleaded. **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint involving \$87(2)(b)
- Sgt. Chavatte has been a member of the service for 13 years and has had 20 other allegations pled against him in eight cases, including a physical force allegation, a discourtesy (word) allegation, a frisk allegation, and a search allegation that were substantiated in CCRB 200603254. §87(2)(9)
 - One allegation of premises entered/searched was pleaded against him in CCRB 200603124 that was exonerated.

Page 8

- Three allegations of physical force were pleaded against him, one in CCRB 200603254 that was substantiated, one in CCRB 200713428 that was unsubstantiated, and one in CCRB 200800472 that was closed as victim uncooperative.
- Three discourtesy (word) allegations were pleaded against him, one in CCRB 200603254 that was substantiated, one in CCRB 201002661 that was withdrawn, and one in CCRB 201709766 that is still open.
- One threat of force allegation was pleaded against him in CCRB 201709766 that is still open.
- PO Ferrigno has been a member of the service for six years and has had no other CCRB allegations pled against him.
- PO Gaynor has been a member of the service for five years and has had one other CCRB allegation pled against him that was not substantiated [\$87(2)(9)]

Mediation, Civil and Criminal Histories

•	§ 87(2)(b)	and § 87(2)(b)	have not	been convicte	ed of any	y
	crimes in the last 10 years.					
•	This case was not suitable for media	tion due to § 87(2	s a:	nd § 87(2)(b)		г

• As of April 19, 2018, no notice of claim was filed with the comptroller's office in regard to this incident (BR 17).

Squad No.:			
Investigator:	Signature	Print Title & Name	Date
Squad Leader:	Signature	Print Title & Name	Date
Reviewer:	Signature	Print Title & Name	Date

Page 9